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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,081	03/19/2004	Sakari Kotola	4208-4047US1	7038
27123	7590	04/18/2008		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER YUN, EUGENE	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 04/18/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com
Shopkins@Morganfinnegan.com
jmedina@Morganfinnegan.com

Office Action Summary	Application No. 10/804,081	Applicant(s) KOTOLA ET AL.	
	Examiner EUGENE YUN	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 16-19 and 52-74 is/are pending in the application.
- 4a) Of the above claim(s) 52-55 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 16-19 and 72-74 is/are allowed.
- 6) ☒ Claim(s) 56-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/23/2008 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 68-71 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 68 fails to fall within a statutory category of invention. It is directed to the program code itself, not a process occurring as a result of executing the program code, a machine programmed to operate in accordance with the program code nor a manufacture structurally and functionally interconnected with the program code in a manner which enables the program to act as a computer component and realize its functionality. It's also clearly not directed to a composition of matter. Therefore it is non-statutory under 35 USC 101.

Claims 69-71 depend on claim 68.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 56-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philipsson (US 2001/0007815) in view of Labun et al. (US 6,842,621).

Referring to Claim 56, Philipsson teaches a method, comprising:

detecting a RF-ID interrogation signal in a wireless communication terminal (see lines 3-4 of paragraph [0007]);

responding to the RF-ID interrogation signal by transmitting a RF-ID response signal including identification information relating to a wireless short-range module of the terminal (see paragraphs [0020] and the last 3 lines of [0022]).

Philipsson does not teach providing a notification signal to activate a processor in the wireless communication terminal, and in response to the notification signal, activating the processor to instruct a wireless short-range communication module in the wireless communication terminal to enter into a page scanning mode for detecting paging signals. Labun teaches providing a notification signal to activate a processor in the wireless communication terminal, and in response to the notification signal, activating the processor to instruct a wireless short-range communication module in the wireless communication terminal to enter into a page scanning mode for detecting paging signals (see col. 9, lines 30-34). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to provide the teachings of Labun to said device of Philipsson in order for a user to be better informed of the status of a wireless communication terminal.

Referring to Claim 62, Philipsson teaches an apparatus comprising:

a processor 21 (fig. 2);

a wireless short-range communication module configured to communicate over a wireless short-range communication connection (see lines 5-6 of paragraph [0019]); and

a near field communication module configured to detect a RF-ID interrogation signal (see lines 3-4 of paragraph [0007]) and send a response signal including identification information relating to the wireless short-range communicant module in response to the RF-ID interrogation signal (see paragraphs [0020] and the last 3 lines of [0022]).

Philipsson does not teach providing to the processor a notification of the presence of the RF-ID interrogation signal, and wherein the processor is configured to instruct the wireless short range-communication module to enter into a page scanning mode for detecting paging signals to establish a wireless short-range communication connection in response to receiving the notification from the near field communication module. Labun teaches providing to the processor a notification of the presence of the RF-ID interrogation signal, and wherein the processor is configured to instruct the wireless short range-communication module to enter into a page scanning mode for detecting paging signals to establish a wireless short-range communication connection in response to receiving the notification from the near field communication module (see

col. 9, lines 30-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Labun to said device of Philipsson in order for a user to be better informed of the status of a wireless communication terminal.

Referring to Claims 57 and 63, Philipsson also teaches including in the RF-ID response signal at least a unique Bluetooth identification number of the wireless short-range communication module (see paragraph [0016]).

Referring to Claims 58 and 64, Philipsson also teaches including in the RF-ID response signal a Bluetooth serial number and Bluetooth Clock Offset information of the wireless short-range communication module (see paragraph [0016]).

Referring to Claims 59 and 65, Labun also teaches entering into a Bluetooth page scan mode after detecting the interrogation signal (see col. 9, lines 30-34).

Referring to Claims 60 and 66, Philipsson also teaches receiving a paging signal as an initial signal to activate the wireless short-range communication module (see paragraph [0022]).

Referring to Claims 61 and 67, Philipsson also teaches skipping an inquiry stage (paragraph [0020]) and initiating a shortened set up upon receiving a paging signal (see paragraph [0025]).

Allowable Subject Matter

5. Claims 1-8, 16-19, and 72-74 are allowed.

Regarding Claim 1, Philipsson and Labun do not teach, alone nor in combination, the combination of:

Using a notification for setting a short-range communication module in the second terminal into a page scanning mode for detecting paging signals directed to the second terminal;

responding to an RF-ID interrogation signal by transmitting a RF-ID response signal to the first terminal including identification information relating to the short-range communication module of the second terminal;

processing the received RF-ID response signal by the first terminal to activate a short-range communication module in the first terminal to initiate a shortened session setup by skipping the inquiry mode; transmitting a short-range paging signal directed to the second terminal based on information of the received RF-ID response signal and entering a page mode to establish a short-range connection with the second terminal; and

detecting the paging signal by the short range communication module in the second terminal for immediate establishment of a short range connection between the first and second terminals by skipping the inquiry mode.

Response to Arguments

6. Applicant's arguments filed 1/23/2008 have been fully considered but they are not persuasive.

The applicant argues that the Labun reference does not teach “providing a notification signal to activate a processor in the wireless communication terminal, and in response to the notification signal, activating the processor to instruct a wireless short-range communication module in the wireless communication terminal to enter into a page scanning mode for detecting paging signals”. The applicant further argues that “applicants describe a RF-ID operation between a reader and a wireless communication terminal (tag), wherein the tag provides an internal signal to a processor, in response to an interrogation signal, to place a wireless communication module within the terminal in a page scan mode via a terminal control circuit”. Firstly, there is no indication in the claims that the wireless communication terminal is a tag, nor is there any indication in the claims that the other device is a reader. Therefore, the “wireless communication module” can be read on as a mobile telephone, which is taught by Labun. Since the claims do not specifically define the wireless communication module as a tag, the Labun reference can properly be combined with the Phillipsson in order to teach the limitation of a wireless device entering a page scan mode in response to a notification signal.

Furthermore, there is no indication in the claims that the signal between the “processor” and the “wireless communication module” is internal. Even if that were the case however, it is obvious to one skilled in the art that the processor of any wireless terminal, including tags and readers, is what performs any operation of the wireless device, including entering the device into the page scan mode. If the mobile device in Labun did not have a processor, it would not operate at all. Therefore, the examiner believes that by showing that the Labun reference teaches entering into a page scan

mode in response to a notification signal, the rest of the limitation, including what is sent and received by the processor, is obvious since the processor is usually the brain of any wireless device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUGENE YUN whose telephone number is (571)272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eugene Yun

Application/Control Number: 10/804,081
Art Unit: 2618

Page 9

Primary Examiner
Art Unit 2618

/E. Y./
Primary Examiner, Art Unit 2618
/Eugene Yun/
Primary Examiner, Art Unit 2618